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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,253	03/09/2005	Sebastian Hallensleben	P17536-US1	2834
27045	7590	10/29/2010		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER GYORFI, THOMAS A	
			ART UNIT	PAPER NUMBER
			2435	
			NOTIFICATION DATE	DELIVERY MODE
			10/29/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/527,253	<b>Applicant(s)</b> HALLENSLEBEN, SEBASTIAN	
	<b>Examiner</b> Thomas Gyorfi	<b>Art Unit</b> 2435	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-4 and 7-17 remain for examination.
2. In view of the Appeal Brief filed on 7/30/10, PROSECUTION IS HEREBY REOPENED. New grounds of rejection set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-4 and 7-17 have been considered but are generally moot in view of the new ground(s) of rejection. However, the Examiner reserves the right to re-use any and all references previously cited as prior art in future rejections as may be warranted by subsequent amendments to the claims.

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4. Examiner would also like to point out that, in response to Applicant's contention that "the Applicant is claiming two access networks" (Appeal Brief, page 11, second paragraph), that is incorrect. Independent claims 1 and 7 merely recite a "first network" and a "second network" without any further qualification. Furthermore, although independent claim 11 would appear to stipulate "communication networks", this term is not limiting as those of ordinary skill in the art would know that the purpose of connecting a plurality of devices to establish a "network" is primarily to allow them to communicate with each other, and by extension to communicate with other devices on other networks as desired. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Moreover, a particular embodiment appearing in the written description may not be read into the claim when the claim language is broader than the embodiment. See MPEP § 2111.01 (quoting *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004)).

### ***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-4 and 7-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khalil (U.S. Patent 7,218,634) in view of Saito (U.S. Patent 6,275,941).<sup>1</sup>

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<sup>1</sup> Acknowledged by the Applicant as pertinent prior art (specification, page 1, lines 7-16).

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Regarding claims 1 and 7:

Khalil discloses a method and system comprising: granting the user access to the second network (the user's mobile device is connected to the foreign network: col. 10, lines 20-33); detecting by the second network that the user had been connected to the Internet via the first network (e.g. where the mobile device roamed from the home [first] network to the foreign [second] network, detecting the requisite messages indicating such: col. 9, lines 40-50; col. 11, lines 55-65, etc.); requesting by the second network from the first network an identifier that has been generated and used by the first network to identify the user on the Internet (the foreign network requests that the home network provide the user's home IP address – which the home network had previously generated via its DHCP server – to be used as the globally routable address by which the mobile node can be universally identified on the Internet:<sup>2</sup> col. 10, lines 35-60); and receiving the requested, generated identifier by the second network (col. 10, line 60 – col. 11, line 5).

As Khalil is primarily concerned with how a mobile node can maintain its connection to the Internet as it roams from network to network, the particulars of what the mobile node actually does once connected are outside the scope of his disclosure. Nevertheless, the ability to connect to an application on the Internet, including the steps of providing authentication information to log in to said application, is sufficiently well-known as to be immediately obvious; one such example is disclosed by Saito (e.g. col.

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<sup>2</sup> The Examiner takes Official Notice that, in any embodiment of Khalil wherein the mobile node is a cellular phone, pocket computer, or the like (col. 2, lines 45-65), such devices typically have exactly one user; as such, an identifier that identifies the device would also logically serve as a *de facto* user ID.

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2, lines 25-55). The claims are obvious because a person of ordinary skill in the art would have good reason to pursue the known options within one's technical grasp. If actually using one's mobile device Internet connection to do something useful – once one has completed the detailed multi-network connection/authentication process disclosed by Khalil – would lead to success, then it is likely the product not of innovation but of ordinary skill and common sense.

Regarding claims 2 and 8:

Examiner takes Official Notice that the operator of any “foreign” network would be implicitly understood to be different from the operator of the “home” network.

Regarding claims 3, 9, and 14:

Khalil further discloses sending authentication information to the first network (col. 10, lines 35-45).

Regarding claims 4 and 10:

Khalil and Saito further disclose wherein the entity providing the service stores a profile of the user at reception of the first attempt of the user to access the service, wherein the profile is associated with the identification sent from the first network and wherein the second network uses the same identification for the user towards the entity providing the service in order to achieve that the stored profile is used for the user (Khalil: col. 10, lines 45-60; Saito: profiles of the claimed nature at column 6).

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Regarding claim 12:

Khalil further discloses wherein said user information includes user identification data used by said first communication network in communicating with said network node (col. 10, lines 35-60).

Regarding claim 13:

Saito further discloses wherein said user information includes user preference information used by said first communication network in communicating with said network node (Figure 3, and column 6).

Regarding claim 15:

Khalil further discloses receiving an indicator from said user (e.g. a hand-off message, implying that the user was communicating before he roamed to a new access network: e.g. col. 9, lines 40-65).

Regarding claim 16:

Khalil further discloses means for determining that the user had been ported from said first communication network to said second communication network (roaming:ibid).

Regarding claim 17:

Khalil further discloses storing the identifier in the first network (the HAAA can remember the MN's home IP address: col. 10, lines 60-67).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent Publications 2003/0163733 (Barriga-Caceres), 2003/0120948 (Schmidt), 2003/0105962 (Le), 2002/0060994 (Kovacs), 2002/0035699 (Crosbie)
- RFCs 2131 (Dynamic Host Configuration Protocol) and 2462 (IPv6 Stateless Address Autoconfiguration), which elaborate on the ability of DHCP servers to dynamically generate IP address identifiers for their clients
- Examiner also reminds Applicant of the RFC 2002 (IP Mobility Support) reference from the Office Action of 4/4/08, which serves as the baseline for mobile IP technology, upon which Khalil and the other references are improvements thereof; and that this reference is directed toward solving the same problem as the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfi whose telephone number is (571)272-3849. The examiner can normally be reached on 9:30am - 6:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG

10/21/10

/Kimyen Vu/

Supervisory Patent Examiner, Art Unit 2435